



570 Broad Street / Suite 1201 / Newark, NJ 07102
P: 973.623.3000 / F: 973.623.0858 / litedepalma.com

Newark ■ Philadelphia

May 6, 2020

VIA ECF

Hon. Kevin McNulty, U.S.D.J.
United States District Court, District of New Jersey
United States Post Office & Courthouse
Federal Square
Newark, NJ 07101

Re: *United States ex rel. Silbersher v. Janssen Biotech, Inc., et al.*
Civil Action No. 2:19-cv-12107 (KM-JBC)

Dear Judge McNulty:

Together with our co-counsel, this office represents the Relator, Zachary Silbersher, in this matter (“the Qui Tam Action”). We write in response to the Court’s April 29, 2020 text order, ECF No. 102, requesting that counsel confer with each other and provide three dates for oral argument on the pending motion to dismiss the Qui Tam Action.

Counsel in the Qui Tam Action were able to agree on the following three proposed oral argument dates: June 5, 18, or 19, 2020. Counsel were unable to agree, however, on the text of a letter proposing those dates. Accordingly, Relator respectfully submits this letter for himself.

As the Court is aware, consolidated antitrust actions against Defendants—alleging that Defendants overcharged private payors by artificially inflating the price of Zytiga by unlawfully excluding generic competitors—are also currently pending before this Court (Nos. 19-14146 and 19-14291, together, the “Consolidated Antitrust Actions”). On September 24, 2019, Magistrate Judge Clark issued an Order, ECF No. 107, staying Defendants’ time to respond to Plaintiffs’ complaints in the Consolidated Antitrust Actions pending resolution of issues related to the appointment of lead counsel for Plaintiffs. Those leadership issues remain unresolved.

Should the Court prefer, despite its April 29, 2020 text order, to hear oral argument on the Motion to Dismiss this Qui Tam Action at the same time as any motion(s) to dismiss the Consolidated Antitrust Actions that defendants there may file (after the pending leadership motions are decided and a consolidated antitrust complaint is filed, some significant period of time from now), Relator would of course abide by the Court’s preference. In that event, we would coordinate with counsel in the Consolidated Antitrust Actions to propose one or more appropriate joint hearing dates.



Hon. Kevin McNulty, U.S.D.J.
May 6, 2020
Page 2

Thank you very much for consideration.

Respectfully,

/s/ Bruce D. Greenberg

Bruce D. Greenberg

bdg/abm

cc: All counsel (via ECF)